

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1780 - HB 1853

February 10, 2022

SUMMARY OF BILL: Requires, on or after January 1, 2023, employers with 25 or more employees to enroll in the E-Verify program.

Establishes that no employee has a civil cause of action for alleging wrongful or retaliatory discharge against their employer if:

- The employee is not authorized to work in the United States under federal immigration laws; and
- The employer was not aware that the employee was not authorized to work in the United States under federal immigration laws.

Furthermore, establishes that any discharge of an employee due to results produced by positive results of the E-Verify program cannot provide a cause of action for discrimination based on national origin.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The E-Verify program requires employers in this state to hire and maintain a legal workforce.
- Currently, only employers with 50 or more employees are required to enroll in the E-Verify program; however, businesses with less than 50 employees may currently enroll in the E-Verify program.
- Based on information from the Department of Labor and Workforce Development, this legislation will have no significant impact on the Department. Any impact to state revenue from penalties for additional E-Verify violations will be not significant.
- It is assumed that affected businesses will enroll in the E-Verify program.
- Any impact on the number of cases in the court system is estimated to be not significant.

IMPACT TO COMMERCE:

Other Fiscal Impact – Due to multiple unknown variables, the increase in business expenditures or impact on net employment in this state cannot be quantified with reasonable certainty.

Assumption:

- This legislation will require businesses in this state with 25 to up to 50 employees, currently not required to enroll, to enroll in the E-Verify program.
- Such businesses will enroll and comply with the requirements of the E-Verify program. Any increase in business expenditures associated with enrollment and compliance is estimated to be not significant.
- It is assumed that this legislation could result in employers being required to release current employees who are not legally here within the United States.
- Affected businesses will fill positions, vacant from release of illegal hires, with legal hires; therefore, no significant change to jobs within the state.
- Due to multiple unknown variables, the amount of any expenditures cannot be reasonably quantified at this time.
- It is possible that positions made vacant as a direct result of this legislation will remain vacant and/or that increased business expenditures will be passed on to consumers; however, any such impacts cannot be reasonably quantified.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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